

# ***City Council Meeting Minutes***

**September 15, 2020  
Electronic Meeting  
6:00 PM**

**Call to Order** – Mayor Stolzmann called the meeting to order at 6:00 pm. **Roll Call** was taken and the following members were present:

**City Council:**      ***Mayor Ashley Stolzmann  
Mayor Pro Tem Dennis Maloney  
Councilmember Kyle Brown  
Councilmember J. Caleb Dickinson  
Councilmember Deborah Fahey  
Councilmember Chris Leh  
Councilmember Jeff Lipton***

**Staff Present:**    ***Megan Davis, Deputy City Manager  
Rob Zuccaro, Planning & Building Safety Director  
Lisa Ritchie, Senior Planner  
Megan Pierce, Economic Vitality Director  
Katie Zoss, Arts & Events Program Manager  
Meredyth Muth, City Clerk***

**Others Present:**   ***Kathleen Kelly, City Attorney***

Mayor Stolzmann noted that because of the COVID-19 emergency the meeting is being held electronically. She gave information on how the meeting process will work and directions for those dialing in on how to participate when it is time for public comments.

## **APPROVAL OF AGENDA**

Mayor Stolzmann called for changes to the agenda and hearing none asked for a motion. Mayor Pro Tem Maloney moved to approve the agenda, seconded by Councilmember Leh. All in favor.

## **PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA AND THE CONSENT AGENDA**

None.

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## **APPROVAL OF THE CONSENT AGENDA**

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Mayor Stolzmann asked for changes to the consent agenda; hearing none she asked for a motion. Mayor Pro Tem Maloney moved to approve the consent agenda, seconded by Councilmember Fahey. All in favor.

- A.    *Approval of Bills***
- B.    *Approval of Minutes: August 25, 2020; September 1, 2020***
- C.    *Approval of Louisville Revitalization Commission Amended Annual Budget for Fiscal Year 2020***
- D.    *Approval of Special Meeting September 29, 2020***

**COUNCIL INFORMATIONAL COMMENTS ON PERTINENT ITEMS NOT ON THE AGENDA**

Mayor Stolzmann thanked the residents that helped clean up recent park vandalism.

**CITY MANAGER'S REPORT**

Deputy City Manager Davis reminded everyone of the Community Conversation on Racial Equity taking place tomorrow and invited everyone to attend.

**REGULAR BUSINESS**

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**ORDINANCE NO. 1800, SERIES 2020 – AN ORDINANCE APPROVING A SECOND AMENDMENT TO THE ST. LOUIS PARISH AND COMMERCIAL PARK GENERAL DEVELOPMENT PLAN TO AMEND ALLOWED USES AND DEVELOPMENT STANDARDS – 2nd READING, PUBLIC HEARING (advertised *Daily Camera* 9/6/20)**

Mayor Stolzmann introduced the item and asked for any disclosures. Councilmember Fahey stated she is a member of the St. Louis Parish but feels that will not affect her decision making on this process.

Planner Ritchie stated this is a request to amend this site's General Development Plan's allowed uses and development standards; it would also amend the PCZD agreement for the property. She reviewed the location and history of the property. The applicant is proposing the following:

- Amending use areas to align with existing property lines
- Allowing portions of Zone 1 to develop with Zone 2 uses
- Adding Light Industrial to Zone 2 as a use by right
- Adding Car Wash as a special review use
- Amending FAR zones to a two-tiered system rather than three-tiered
- Revising the street network from public to private
- Reducing the building setback to 55' from 60'

- Allowing parking between buildings and S. 96th St with enhanced landscaping, rather than behind buildings
- Adding option for slanted roofline elements for buildings fronting S. 96th St, rather than only requiring pitched roofs
- Amending heights for Zone 2B to 40' from 35'
- Amending FAR to increase from 306,531 sf to 377,450 sf

Ritchie reviewed the proposed layout of the property including uses and building heights.

Ritchie stated the 2013 Comprehensive Plan has this site as a rural gateway to the City and uses are to be separated and buffered from the surrounding roads. The Comp Plan allows up to .25 FAR and heights up to 3 stories if located out of the public view shed and buffered by surrounding topography and open space.

Ritchie stated staff found the following components of the proposal meet that policy:

- Uses are acknowledged in Comp Plan
- Private streets provide same connectivity
- Height increase is consistent with intended character of GDP and surrounding development
- FAR increase is within Comp Plan limits and maintains the west to east transition
- Traffic study reflects slightly less impact
- Fiscal benefit to the city

Staff however, believes the parking setback reduction does not meet that policy. The applicant is requesting a reduced 35-foot setback for the sections abutting 95<sup>th</sup> Street. The Planning Commission recommended the 55-foot setback for all portions of the property. The Comp Plan does not have a specific number for the buffer but staff recommends the 55-foot as it is similar to the nearby CTC setbacks.

The applicant has given four reasons to reduce the parking setback:

- Lot lines on preliminary plat should not be revised
- Improvements in right-of-way should help meet buffer requirement
- Lots fronting South 96<sup>th</sup> St are not marketable with a deeper setback
- Intended development at the rear of the property will not have adequate depth

Staff acknowledges the 55-foot setback may cause some issues, but finds those can be addressed by moving lot lines and staff feels it will not adversely affect this development.

Staff Recommends approval of the ordinance with one condition that the applicant shall revise the application to require a minimum 55-foot parking setback for Zone 2A

Councilmember Lipton asked if the applicant could ask for a variance or change to the setback in the PUD process. Ritchie stated the PUD process would not allow that, a GDP amendment would be needed.

Mayor Stolzmann asked if the proposal can be regulated to limit light pollution in this gateway area. Ritchie stated there are some regulations on lighting in the CDDSG and if Council wants more that can be discussed.

#### Applicant Presentation

Jim Candy, Ascent Church, stated the church is no longer planning to develop on that property due to the high cost of infrastructure development. He stated to make this project viable it has to be cost effective. As it currently is that property has a lot of issues that need to be addressed to make it work which is why the reduced setback is needed.

Alicia Rhymer, United Properties, reviewed the history of this site. She noted other parcels in the area that have a 30-foot setback. She noted the Transportation Master Plan calls for 96<sup>th</sup> Street to be improved to two lanes in each direction. Those improvements would increase the distance from the property line to the traffic as well.

She stated moving the lot lines around on the parcel is problematic. It requires moving drainage, would make accommodating the trail difficult, and might make the sites less marketable.

Megan Turner, United Properties, showed the impacts of changing lot lines. She noted the preferred market dimensions of the industrial lot and how changing those would affect truck circulation on that lot. She showed some comparable locations and how those setbacks look.

She reviewed the preferred proposal and what it will look like. She added they understand the importance of maintaining the rural entryway and feel their design can do this with tapering the landscaping and using good building height transitions.

Rhymer reviewed what they feel are the benefits of this proposal including job creation and retail opportunities.

#### Public Comments

Jane Armstrong, 479 Muirfield Court, stated she supports the project to help generate sales tax revenue and to allow Ascent to develop other property with the sale of this one.

Richard Morgan, 644 West Pine Street, stated he supports the application to help bring retail to the CTC so employees in the area can shop and generate revenue on this site.

Jolene Nielsen, 1114 West Enclave Circle, stated she supports this application to be a place for new businesses in town and also to generate revenue for the community.

Dan McConville, 1000 Turnberry Circle, spoke on behalf of St. Louis Parish stating this is the best way to get these properties developed and it would be a quality development. He urged approval to bring jobs and amenities to town.

Bill Stephens, Ascent Church, urged approval of the project to bring jobs and amenities to town.

Alli Bowdey, 462 Rouse Court, stated she supports the application as a way to allow Ascent to develop their other property with the sale of this one. The 20 feet under discussion is not a big impact.

Jay Keany, 1488 Wilson Place, stated he supports the application as this makes sense and would bring good amenities to the site. He feels the setback at 30 feet can be handled with landscaping. It will be a benefit to the community.

Mindy Caliguire, 116 Vista Lane, stated her support of the project. She sees value in this application with a strong plan and to maximize the use of this property and bring jobs.

Erik Estrada, 853 Trail Ridge Road, stated this application makes economic sense and will bring jobs and revenue to Louisville.

Mayor Stolzmann asked how this application would work with multiple owners. Ritchie stated the Code does require common ownership of the property for GDP. However, this GDP was approved without common ownership but with an agreement among the owners to coordinate the development.

Mayor Stolzmann asked why earlier owners were not required to put in infrastructure. Ritchie stated earlier approvals did not require installation of infrastructure as that is usually coordinated with the construction of the rest of the site with PUD approval.

Mayor Stolzmann stated she supports approval with the setback condition. She would also like to include some dark skies language. She stated the rural buffer zone is important and we don't know what the eventual development will look like so we need that protection. She believes there is enough space on the site to be able to come up with a solution on the property with the 50-foot setback.

Mayor Pro Tem Maloney stated this is an awkwardly shaped property which creates its own issues. The opportunity to have retail and industrial on this site is a good solution. We need to look at how to make this site successful. With the right design and landscaping, the 30-foot setback would be sufficient there. He supports approval of the ordinance without the condition.

Councilmember Brown stated as there is no specific standard for this setback it is hard to review this. We don't know what will finally develop here so the closest precedent would

be the other buffers in the area at CTC. In the absence of a clear cut rule in the Comp Plan he supports the Planning Commission and staff recommendation.

Councilmember Dickinson stated the 20-foot difference is not a deal breaker to him and he doesn't think it will make a huge difference to what people see. He supports adding dark skies language.

Councilmember Lipton stated that as there is no prescriptive standard for this parcel, this is subjective. He feels that as proposed this will accomplish what we want on the site and still feel like an entryway to town.

Councilmember Leh stated the requirements of the GDP have been met for the most part and if we want to see it developed we should approve it without the condition. The applicant has shown why it works better without the condition.

Public Comments – None.

Councilmember Lipton moved to approve the ordinance without the proposed condition and to add language to encourage limited lighting impacts be included in the PUD. Mayor Pro Tem Maloney seconded the motion.

Councilmember Brown stated it is hard as a councilmember to really know why a parcel has not developed under existing guidelines so it is hard to know if the extra 20 feet will make a difference in the end.

Councilmember Leh stated he too supports limited lighting on the parcel, it is just hard to determine how to put language specific enough to make it hold. Zuccaro suggested including language related to the color temperature of the light, lumen output, and requiring backshields.

Councilmember Leh made a friendly amendment to include that language in the condition. Councilmember Lipton and Mayor Pro Tem Maloney accepted that.

Councilmember Fahey stated the proposal appears to be very reasonable without the setback.

Councilmember Dickinson agreed removal of the 50-foot setback seems to be a good concession to make this development work.

Mayor Stolzmann stated she agrees with the staff recommendation to have the larger setback to help maintain the rural character of this parcel.

Mayor Stolzmann asked if this industrial use is new to this site. Ritchie stated this is a new use in this GDP amendment. There are also minor changes to the business use and the car wash will still require a special review use.

Mayor Stolzmann stated she would like to maintain the rural character with the setback and doesn't think that can happen as proposed.

**Roll call vote:** Motion passed 6-1, Mayor Stolzmann voting no.

**DISCUSSION/DIRECTION/ACTION –  
STREET FAIRE UPDATE AND 2021-2023 LICENSE AGREEMENT**

Mayor Stolzmann introduced the item.

Katie Zoss, Arts and Events Program Manager, stated this is an agreement to allow the Downtown Business Association to continue to organize the Street Faire through 2023. It has similar provisions as used in the past including City funding for the event coordinator. The DBA has reviewed the updated agreement and agrees to all changes.

Mayor Stolzmann moved to approve the agreement; Councilmember Brown seconded the motion.

Public Comments

Rick Kron, DBA President, urged approval of the agreement.

**Roll Call Vote:** Motion passed by unanimous roll call vote.

**CITY ATTORNEY'S REPORT**

None.

**COUNCIL COMMENTS, COMMITTEE REPORTS, AND IDENTIFICATION OF FUTURE  
AGENDA ITEMS**

Mayor Stolzmann asked if two members would like to serve on a committee to review board and commission applications. Mayor Pro Tem Maloney and Councilmember Dickinson will serve in that capacity.

Mayor Stolzmann would like the topics of maintenance of vacant construction sites and applicant presentation length to be added as topics for the work plan discussion.

Councilmember Leh also encouraged everyone to join in to listen to the Community Conversation on Racial Equity.

Councilmember Fahey would like to add the green building code to the work plan discussion.

ECONOMIC VITALITY COMMITTEE – meeting this Friday.

FINANCE COMMITTEE – met earlier today, discussed revenue projections and sales tax numbers.

LEGAL REVIEW COMMITTEE – working on evaluations for appointed officials.

UTILITY COMMITTEE – discussing Windy Gap financing alternatives and utility rates.

COLORADO COMMUNITIES FOR CLIMATE ACTION – discussing Xcel's plans to limit their 80% renewables levels to current levels not the proposed ones.

COMMUTING SOLUTIONS – no report

CONSORTIUM OF CITIES – meeting next week

DOWNTOWN BUSINESS ASSOCIATION STREET FAIRE – no report

DENVER REGIONAL COUNCIL OF GOVERNMENTS – discussing RTD's possible plan to take money from the Northwest rail savings account to use in other places.

JOINT INTEREST COMMITTEES (SUPERIOR & LAFAYETTE) – scheduling meetings

MAYORS & COMMISSIONERS COALITION – same discussion as DRCOG

METRO MAYORS CAUCUS – same discussion as DRCOG

REVITALIZATION COMMISSION – working on 2021 budget and work plan.

XCEL ENERGY FUTURES – no report

Councilmember Leh would like to add discussion about how properties are prioritized for open space purchases to the work plan.

## **ADJOURN**

Members adjourned at 10:22 pm.

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Ashley Stolzmann, Mayor

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Meredyth Muth, City Clerk